

## CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW.

Name of person signing certification:

Michael J. UreDate: 12/23/02Signature: [Signature]

PATENT

Attorney's Docket No. 111228CX3.US

# 6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TOLSON

Group Art Unit: 2631

Application No.: 10/040,534

Examiner:

Filed: 12/28/01

Office of Petitions

For: FREQUENCY SYNTHESIZER FOR  
DUAL MODE RECEIVERRENEWED PETITION UNDER 37 CFR 1.47(b)Assistant Commissioner of Patents  
Washington, D.C. 20231

Date	2/23/12	# of Pages	13
From	Mike Ure		
Co.	TROPICAN		
Phone #	408-422-1319		
Fax #	408-273-6750		

Sir:

FAX RECEIVED

DEC 23 2002

Applicant hereby makes renewed petition for Tropic Inc. ("Tropian") to make PETITIONS OFFICE application for patent on behalf of and as agent for the sole inventor of the present application,

Nigel J. Tolson, a resident of Great Britain residing at 5 Brading Way, Purley-on-Thames,

Reading, Berks, GB RG8 8BS.

In further support of the petition are the following: the declaration of Michael J.

Ure.

PATENT


Attorney's Docket No. 111228CX3.US

Page 2

The present petition is necessary to avoid loss of rights by the rightful assignee, Tropician. If the present renewed petition is not granted, Tropician will be unable to secure U.S. patent rights in the valuable invention of Mr. Tolson made for Tropician in the course of his employment and pursuant to his employment agreement with Tropician. Tropician would, as a result, experience irreparable harm.

Respectfully submitted,

TROPICIAN, INC.

  
By: Michael J. Ure (Reg. No. 33,089)

20813 Stevens Creek Blvd.  
Cupertino, CA 95014  
(408) 422-1319  
Date: December 23, 2002

## CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW.

Name of person signing certification: Michael J. UreDate: 12/23/02Signature: Michael J. Ure

PATENT

Attorney's Docket Nos. 111228TWT.US and  
111228CX3.US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications of

TOLSON

Group Art Unit:

Application Nos.: 10/040,535; 10/040,534

Examiner:

Filed: 12/28/01

Office of Petitions

For: TWIN-T DUAL NOTCH FILTER  
and FREQUENCY SYNTHESIZER FOR  
DUAL MODE RECEIVER

FAX RECEIVED

DEC 23 2002

PETITIONS OFFICE

I, Michael J. Ure, **DECLARE THAT:**

1. I am the attorney of record in the subject patent applications. I am currently responsible for the applications and have been from the time of filing.
2. The "docs" referred to in the history of Mr. Tolson's e-mail reply of July 31, 2002 (submitted previously) are the declaration and assignment for each of the subject applications. These documents were attached as e-mail attachments to a prior e-mail that I sent to Mr. Tolson. Copies of these e-mail attachments as they were sent to Mr. Tolson with the prior e-mail are attached hereto.
3. Subsequent to filing of the subject applications on December 28, 2001, and prior to April

PATENT  
Attorney's Docket Nos. 111228TWT.US and  
111228CX3.US

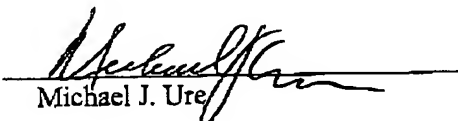
15, 2002 (the approximate date of termination of Mr. Tolson's employment with Tropian, the rightful assignee), I sent to Mr. Tolson, also by e-mail, complete copies of the applications as filed, together with declaration and assignment documents, substantially identical to those attached hereto, for Mr. Tolson's signature. No copy of the e-mail sending the applications to Mr. Tolson currently exists. However, in subsequent telephone communications with Mr. Tolson, he acknowledged to me that he had received the e-mail, the copies of the applications and the declaration and assignment documents.

4. Besides the subject applications, Mr. Tolson was named as inventor on only one other patent application for Tropian; in that other patent application, Mr. Tolson was one of several co-inventors, whereas he is named as the sole inventor of the subject applications. Because of these circumstances, when I resent the "docs" by e-mail to Mr. Tolson for signature, there was no doubt in my mind that Mr. Tolson would correctly associate the documents with the application copies sent previously. Had I had any doubt, I would have resent the application copies along with the documents.
5. During his employment with Tropian, Mr. Tolson was as a design engineer with responsibility for RF (cellular telephony) receivers. The inventions described in the subject applications relate directly to work carried out by Mr. Tolson for Tropian within the term of his employment. By the terms of Mr. Tolson's employment agreement with Tropian (submitted previously), Tropian is the rightful assignee of these inventions.

PATENT  
Attorney's Docket Nos. 111228TWT.US and  
111228CX3.US

6. The undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Michael J. Ure

Date: December 23, 2002

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	111228TWT.US
First Named Inventor	TOLSON
COMPLETE IF KNOWN	
Application Number	/ 10/040.535
Filing Date	12/28/02
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Twin-T dual notch filter

the specification of which (Title of the Invention)

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY) 12/28/2002 as United States Application Number or PCT International

Application Number 10/040.535 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burdan Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)

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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number
Michael J. Ure	33.089		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.Direct all correspondence to: ☒ Customer Number or Bar Code Label 30233 OR ☐ Correspondence address below

Name					
Address					
Address					
City		State		ZIP	
Country		Telephone		Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))		Family Name or Surname			
Nigel J.		TOLSON			
Inventor's Signature				Date	07/06/02
Residence: City	Reading	State	Berks	Country	GB
Citizenship GB					
Post Office Address					
5 Brading Way, Purley-on-Thames					
City	Reading	State	Berks	ZIP	RG8 8BS
				Country	GB

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

111228TWT.US

# ASSIGNMENT

(SOLE)

THIS ASSIGNMENT, by Nigel J. TOLSON  
residing at 5 Brading Way, Purley-on-Thames, Reading, Berks, GB RG8 8BS  
(hereinafter referred to as "the Assignor"), witnesseth:

WHEREAS, the Assignor has invented certain new and useful improvements in  
Twin-T dual notch filter  
set forth in an application, which is a

☐ provisional application

☐ non-provisional application

1. (a) ☐ filed herewith;  
(b) ☐ to be filed;
2. ☐ having an oath or declaration executed on even date herewith prior to filing of application;
3. ☒ bearing Application No. 10/040,535, and filed on 12/28/02; and

WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150, Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

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DEC 23 2002

PETITIONS OFFICE



Application No. \_\_\_\_\_  
Attorney's Docket No. 111228TWT.US

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date 07/06/02

Signature of Assignor \_\_\_\_\_

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
with Initial  
Filing

OR

☐ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.18 (e))  
required)

Attorney Docket Number	111228CX3.US
First Named Inventor	TOLSON
<b>COMPLETE IF KNOWN</b>	
Application Number	/ 10/040,534
Filing Date	12/28/02
Group Art Unit	
Examiner Name	

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DEC 23 2002

PETITIONS OFFICE

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Frequency synthesizer for  
dual mode receiver**

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **12/28/2001** as United States Application Number or PCT International

Application Number **10/040,534** and was amended on (MM/DD/YYYY) (If applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 385(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

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(Page 1 of 2)

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Please type a plus sign (+) inside this box → ☐PTO/SB/01 (12-97)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**DECLARATION — Utility or Design Patent Application**

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U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed belowPlace Customer  
Number Bar Code  
Label here

Name	Registration Number	Name	Registration Number
Michael J. Ure	33.089		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.Direct all correspondence to: ☒ Customer Number 30233 OR ☐ Correspondence address below

Name			
Address			
Address			
City	State	ZIP	
Country	Telephone	Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname
Nigel J.	TOLSON

Inventor's Signature					Date	7/6/02	
Residence: City	Reading	State	Berks	Country	GB	Citizenship	GB
Post Office Address							
Post Office Address	5 Brading Way, Purley-on-Thames						
City	Reading	State	Berks	ZIP	RG8 8BS	Country	GB

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

111228CX3.US

## ASSIGNMENT

(SOLE)

THIS ASSIGNMENT, by Nigel J. TOLSON  
residing at 5 Brading Way, Purley-on-Thames, Reading, Berks, GB RG8 8BS  
(hereinafter referred to as "the Assignor"), witnesseth:

WHEREAS, the Assignor has invented certain new and useful improvements in  
Frequency synthesizer for dual mode receiver  
set forth in an application, which is a

☐ provisional application ☐ non-provisional application

1. (a) ☐ filed herewith;  
(b) ☐ to be filed;
2. ☐ having an oath or declaration executed on even date herewith prior to filing of application;
3. ☒ bearing Application No. 10/040,534, and filed on 12/28/02; and

WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150, Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

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PETITIONS OFFICE

Application No. \_\_\_\_\_  
Attorney's Docket No. 111228TWT.US

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date 07/06/02

Signature of Assignor \_\_\_\_\_